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# 8-Hour Ozone Implementation

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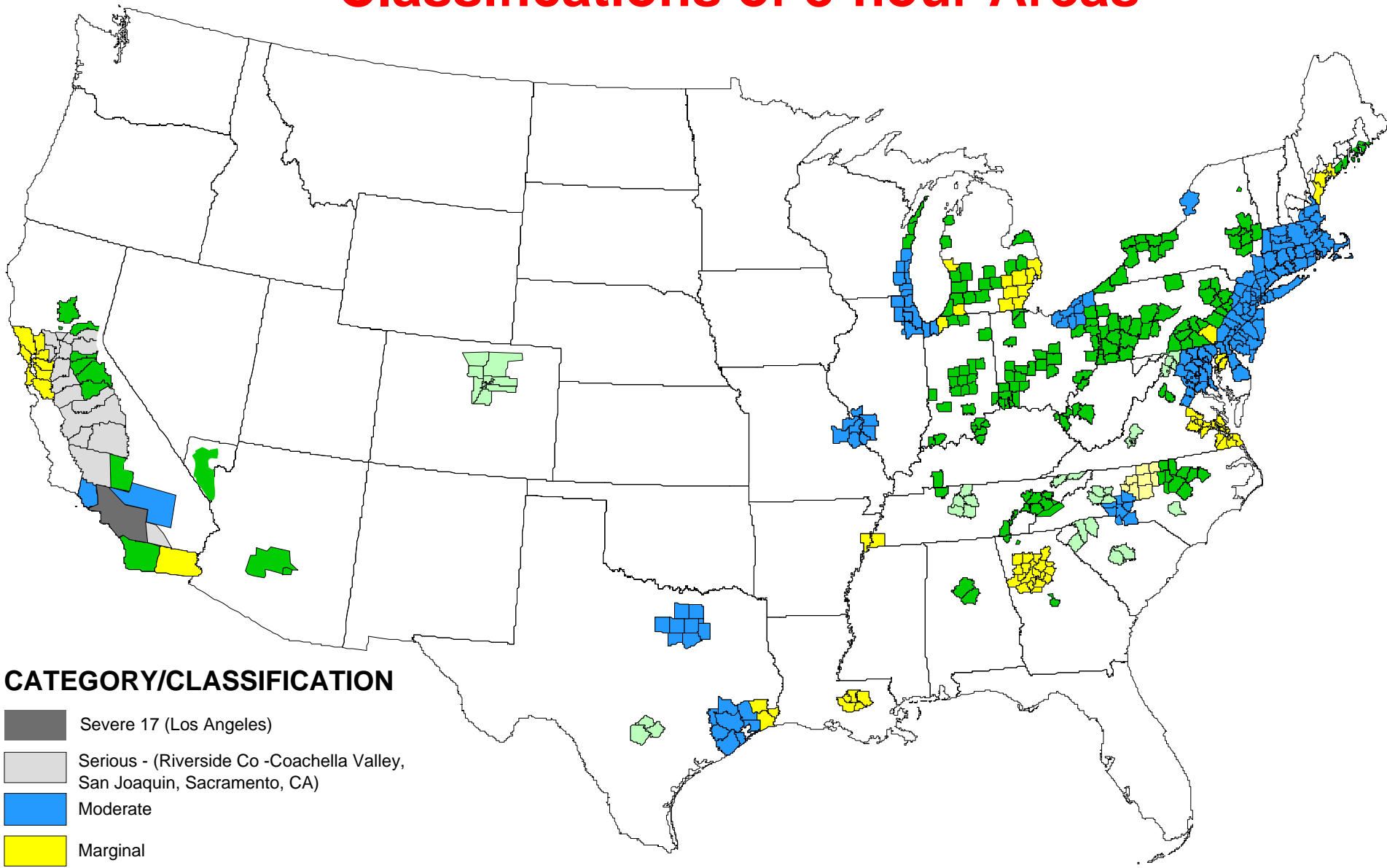


# Status of 8-hour Ozone Implementation Rule

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- Final rule issued in 2 phases:
  - Phase 1:
    - Classifications, transition/anti-backsliding, revocation of 1-hour std., attainment dates, attainment date extensions, timing of emission reductions needed for attainment
    - Published April 30, 2004 (69 FR 23951)
  - Phase 2:
    - Remainder of rule elements (e.g., RACT, RFP, attainment demonstrations; 8-hr NSR)
    - Published November 29, 2005 (70 FR 71612)
- Rules at: [www.epa.gov/ozonedesignations/regs.htm](http://www.epa.gov/ozonedesignations/regs.htm)

# Classifications of 8-hour Areas



## CATEGORY/CLASSIFICATION

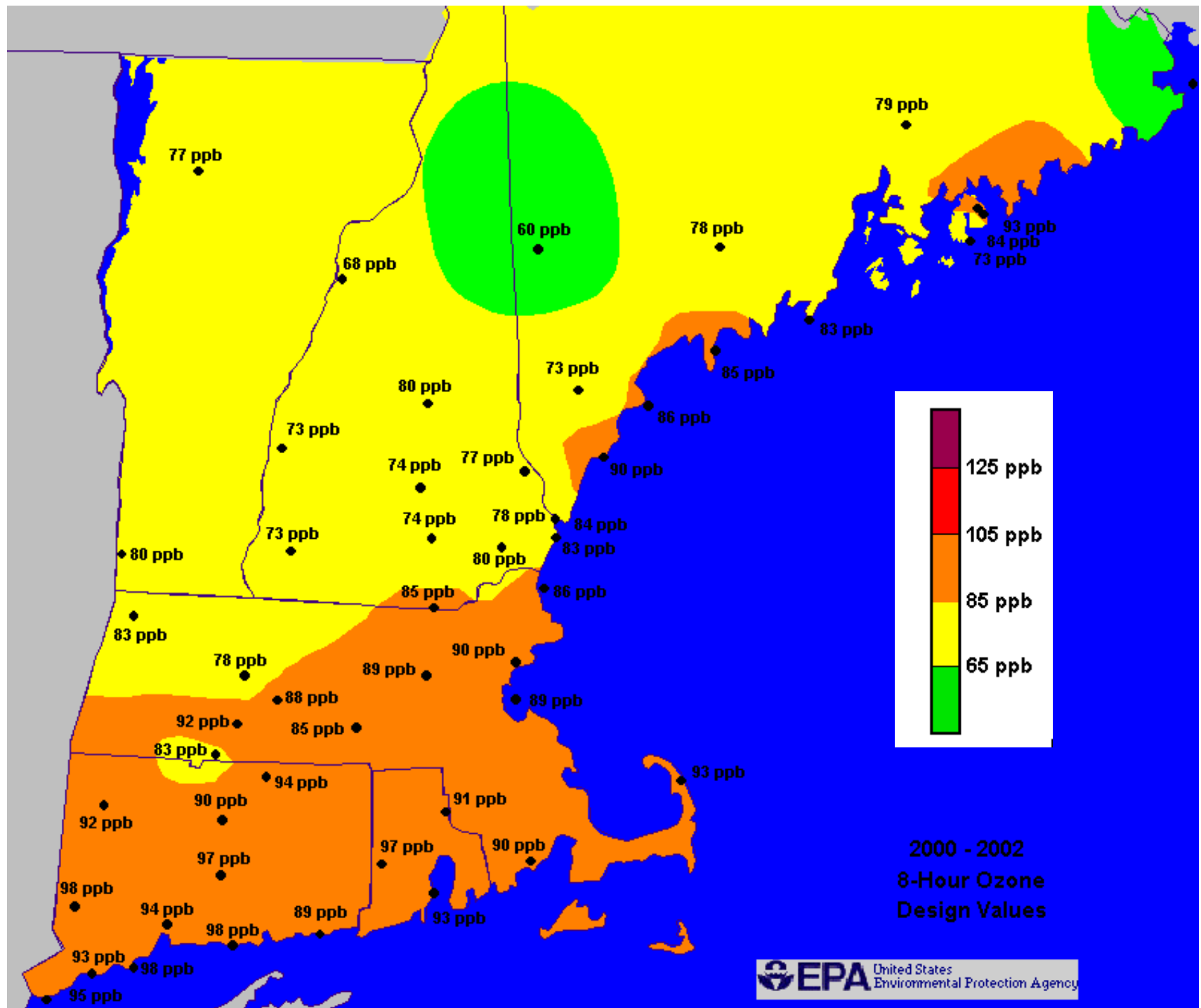
	Severe 17 (Los Angeles)
	Serious - (Riverside Co -Coachella Valley, San Joaquin, Sacramento, CA)
	Moderate
	Marginal
	Marginal (EAC Greensboro, NC)
	Subpart 1 (Basic)
	Subpart 1 EAC (Basic)

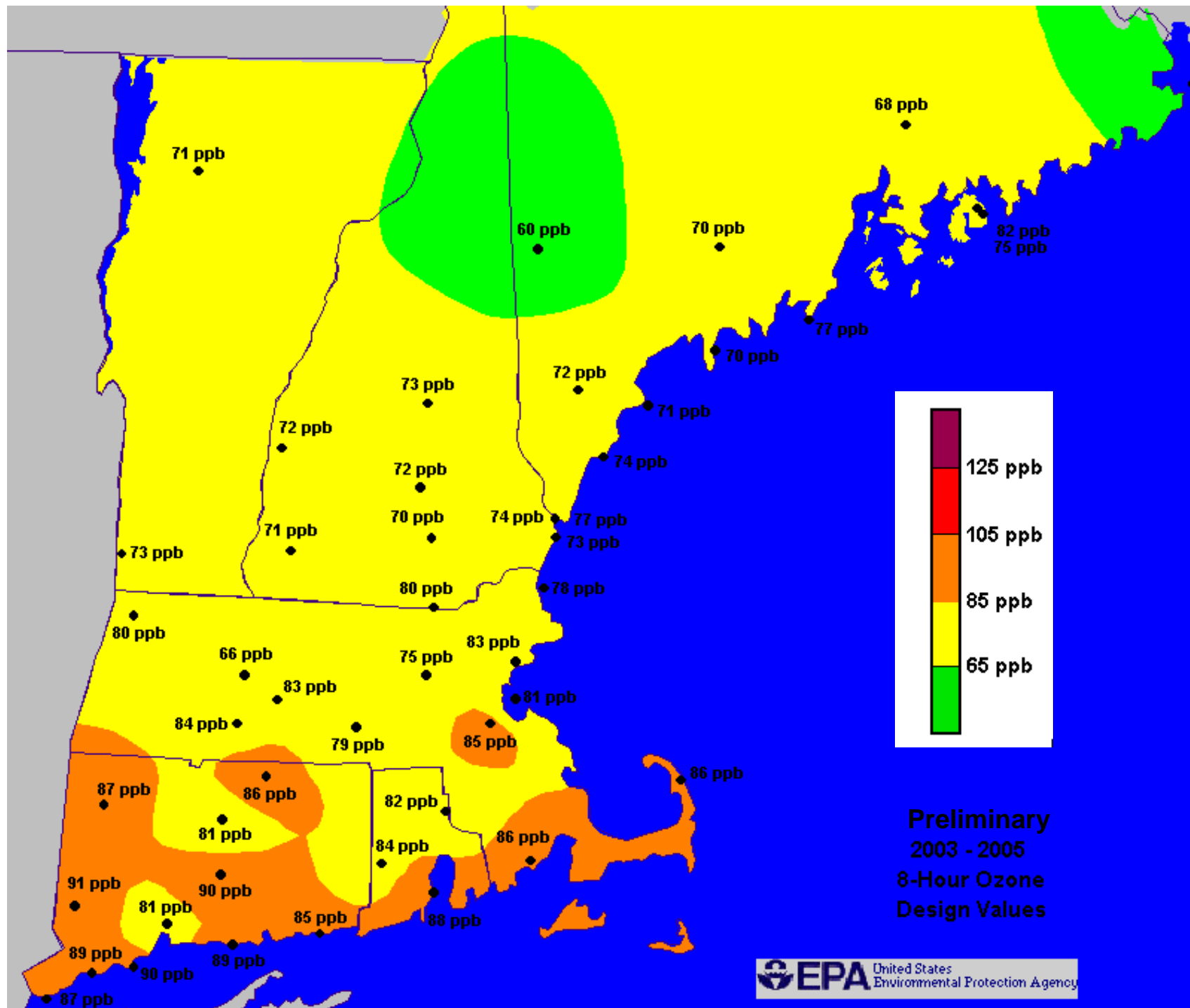


## **Air quality based on preliminary 2003-2005 data**

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- **Some New England 8-hour nonattainment areas may now be attaining:**
  - **Portland, Maine area**
  - **Mid-Coast Maine area**
  - **New Hampshire area**
  - **Western Massachusetts area**
- **Many other areas across the country now attaining, and some have already been redesignated to attainment.**





**Preliminary  
2003 - 2005  
8-Hour Ozone  
Design Values**



# How does EPA treat attainment dates?

- Attainment must be “as expeditious as practicable but no later than . . . “
  - Subpart 2 areas, running from effective date of classification
    - marginal – 3 years
    - moderate – 6 years
    - serious – 9 years
    - severe – 15 or 17 years
  - Subpart 1 areas get no later than 5 years after effective date of designation or 10 years after designation if severity and availability and feasibility of pollution control measures indicate more time is needed



## Subpart 2 Area Attainment Dates

Area Classification	Attainment date
Marginal	June 15, 2007
Moderate	June 15, 2010
Serious	June 15, 2013
Severe-15	June 15, 2019
Severe-17	June 15, 2021





## Timeframe for obtaining emission reductions to ensure attainment by attainment date

- **Timing of emission reductions.**
  - If an area needs more than the reductions required by ROP in order to demonstrate attainment, then any additional reductions would have to be achieved by the beginning of the ozone season prior to the area's attainment date.
  - For a moderate area with a June 15, 2010 attainment date, that means reductions need to occur before May 2009.
- All areas must model attainment of the standard in the ozone season prior to the area's attainment date (e.g., if the attainment date is 6/15/2010, the modeled attainment year is 2009).
- Areas with attainment dates of 2010 have to establish SIPs with mobile source emissions budgets for conformity for 2009.



# Revocation of the 1-hour standard

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- **Revocation of 1-hr standard occurred on June 15, 2005.**
  - **This was designed to ensure continued applicability of subpart 2 requirements and ensure continued air quality improvement, while shifting focus toward implementation of the 8-hour standard.**
  - **This is consistent with 1-year grace period for 8-hour ozone conformity.**



## 1-hr obligations that will no longer apply after revocation of the 1-hour NAAQS

- After revocation of 1-hour standard:
  - Areas are not obligated to continue to demonstrate conformity for the 1-hour NAAQS. However, in many cases the 1-hr budgets still need to be used for some interim period.
  - EPA will no longer make findings of failure to attain the 1-hour std. (i.e., no more bump-ups).
  - NSR for 1-hour NAAQS would no longer apply; 8-hour NSR would apply under implementation plan or appendix S. States may substitute an 8-hour NSR program.



# Implementation Schedule

Date	Action
April 2004	EPA issued designations & Phase I Implementation rule
June 15, 2004	Effective Date of Designations
November 2005	Final Phase 2 Implementation Rule
September 15, 2006	RACT SIPs due
June 15, 2007	Ozone SIPs due
2007-2024	Range of attainment dates

# Phase 2 Ozone Implementation Rule: Key Issues

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- Reasonably Available Control Technology (RACT)
- Reasonable Further Progress (RFP) requirements
- Attainment Demonstration & Modeling provisions
- Reasonably Available Control Measures (RACM)



# Reasonably Available Control Technology (RACT)

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- When must RACT be met?
  - Subpart 2 areas: Rules due 9/15/06;
  - Implement 30 months after rules due, by May 1, 2009
- Can States rely on existing RACT guidance?
  - States may use existing RACT guidance, or conduct case-by-case RACT determinations.
  - EPA intends to develop some additional guidance.
  - When new information is available, states must consider it.



# Reasonably Available Control Technology (RACT)

- Do sources subject to the NOx SIP Call trading program meet RACT?
  - Sources subject to NOx SIP Call trading program meet RACT.
  - Additionally, sources subject to CAIR meet RACT.
  - NOx RACT SIPs are not required for these sources.
  - NOx RACT can be met on average by a group of sources within a nonattainment area rather than at each individual source.
- RACT in Ozone Transport Region (OTR)
  - RACT required in both attainment and nonattainment areas in the OTR
  - RACT rules due Sept. 15, 2006
  - RACT rules implemented by May 1, 2009

# Reasonable Further Progress (RFP)

- For areas covered only by subpart 1, what are the RFP requirements?
  - **Scenario A: Areas with attainment dates 5 years or less after designation (i.e., for most areas on or before June 15, 2009).**
    - RFP met by ensuring emissions reductions needed for attainment are implemented by the beginning of the ozone season prior to the attainment date.
  - **Scenario B: Areas with attainment dates beyond 5 years after designation (i.e., beyond 2009)**
    - RFP plan -- increments of progress from baseline year to attainment date.
      - RFP SIP must provide for 15% emissions reduction within 6 years from baseline year
      - Either NO<sub>x</sub> or VOC emission reductions (or both) could be used to achieve the 15% emissions reduction requirement.
      - For each subsequent 3-year period (after 2008) out to the attainment date, RFP SIP must provide an additional increment of progress proportional to time between the end of the first increment (in 2008) and the attainment date.





# Reasonable Further Progress (RFP)

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- What are the RFP requirements for areas covered under subpart 2?
  - For areas that have approved 15% plans for their 1-hour ozone SIPs, an additional 15% VOC reduction is not necessary.
    - Moderate areas in this situation must meet RFP under subpart 1.
    - Serious and above areas in this situation must meet 3 percent annually from baseline year (averaged over each 3 year period) of either VOC or NO<sub>x</sub> emission reductions (or both).



# Reasonable Further Progress (RFP)

- What baseline year is required for the emissions inventory for the RFP requirement?
  - EPA recommends that areas use the 2002 inventory as the baseline inventory for the RFP requirement for areas designated nonattainment in 2004.
  - However, States have the option of justifying the use of an alternative baseline year inventory year for RFP.



# Reasonable Further Progress (RFP)

- **What is the timing of the submission of the RFP plan?**
  - For moderate areas and above areas, the first RFP SIP must be submitted by June 15, 2007 and required reductions implemented by the end of 2008.
  - The RFP SIP for any remaining 3-year periods out to the attainment date beyond the first 6 years would be required to be submitted with the attainment demonstration.
- **How should CAA restrictions on creditable measures be interpreted? Which national measures should count as generating emissions reductions credit toward RFP requirements?**
  - All emissions reductions that occur after the baseline emissions inventory year are creditable for purposes of the RFP requirements in this section except as specifically provided in section 182(b)(1)(C) and (D) and section 182(c)(2)(B) of the CAA which exclude four categories of emissions reductions requirements required to be adopted prior to 1990.



# Reasonable Further Progress (RFP)

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- **Can emission reductions from the area's 1-hr RFP plan be used as credit toward meeting the area's 8-hr RFP plan?**
  - For 1-hr and 8-hr RFP obligations for the post-2002 period, the state may rely on emission reductions from the 1-hour plan in achieving RFP for the 8-hour standard.
  - Emissions reductions from the 1-hr ozone SIP achieved after the 8-hr ozone baseline year could count toward meeting the RFP requirement for the 8-hr area.



# Reasonable Further Progress (RFP)

- Will EPA continue the policy of allowing substitution of controls from outside the nonattainment area within 100 kilometers for VOC and 200 kilometers for NOx?
  - EPA intends to continue to rely on this policy.
    - The use of emission reductions outside the nonattainment area must be shown to be beneficial toward reducing ozone in the nonattainment area.
- Will EPA's "Clean Data Policy" apply for purposes of 8- hour RFP, attainment demonstrations and other related requirements?
  - EPA intends to apply the Clean Data Policy, which had applied under the revoked 1-hr std., for purposes of the 8-hr std.



# Attainment Demonstration & Modeling

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- When are the attainment demonstrations due?
  - Nonattainment areas must submit attainment demonstrations within 3 years (i.e., by June 15, 2007).
  - Except marginal areas (no CAA modeling requirement).
- How should transport be incorporated into the demonstration?
  - To ensure that regional transport is addressed in a timely manner, EPA finalized the CAIR in May 2005. Together, the NOx SIP Call and CAIR establish the emission reduction responsibilities of upwind States.



# Attainment Demonstration & Modeling

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- What requirements must the attainment demonstration meet?
  - EPA will generally review the State demonstrations for technical merit using EPA's most recent modeling guidance.
- What are the Mid-Course review (MCR) requirements?
  - EPA will assess whether a MCR is needed on a case-by-case basis in reviewing individual demonstrations. Most moderate areas will not need a MCR.
  - The final 8-hour attainment demonstration modeling guidance also addresses this progress assessment.



# Reasonably Available Control Measures (RACM)

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- What are the requirements for RACM?
  - Section 172(c)(1) requires a nonattainment plan to provide for the implementation of all RACM as expeditiously as practicable, including such reductions that may be obtained through RACT.
  - The RACM requirement applies to all nonattainment areas that are required to submit an attainment demonstration. The RACM SIP is submitted along with attainment demonstration.
  - EPA's long-standing interpretation of the RACM provision is that areas need only submit such RACM as will contribute to timely attainment and meet RFP, and that measures which might be available but would not advance attainment or contribute to RFP need not be considered RACM.